



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

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Second District

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Third District

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Fifth District

DATE: February 28, 2023

06

TO: Board of Supervisors

SUBJECT

AUTHORIZE A-87 EXCEPTION TO COMPETITIVE PROCUREMENT FOR CONTRACT WITH PARTNERS FOR JUSTICE (DISTRICTS: ALL)

OVERVIEW

Over five million people cycle through U.S. jails each year - 2 million are confined to prison, and another 4.5 million live within the parole or probation system. Black and Brown people, their families, and communities are disproportionately impacted by this system. The enmeshed penalties—the non-judicial penalties arising from arrests, charges, time spent in jail, and convictions—can be catastrophic. One’s housing, employment, parental rights, and educational options, as well as one’s ability to borrow student loans, obtain a professional license, vote, or access public benefits/supports, can all be adversely affected by an arrest, not just a conviction.

While current justice reform efforts focus, understandably, on police and prisons, not enough attention is paid to the value that public defense could provide to address the underlying causes of crime and increase public safety. Public defenders are the resource most proximate and available to people most harmed by the criminal legal system. Nearly 80% of people facing criminal charges depend on public defenders to navigate the legal process and prevent the worst outcomes of criminal legal system contact¹.

On June 23, 2020 (27) the San Diego County Board of Supervisors (Board) created the Office of Equity and Racial Justice (OERJ). One of the roles the Board saw for this newly established office was to collaborate with County departments that administer restorative justice programs to report mutual activities, align best practices, identify barriers and gaps to ensure robust restorative practices throughout our region, and work alongside other jurisdictions in the region that have similar entities to ensure cohesion and avoid duplication of efforts.

¹ <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2022/06/21/public-defenders-were-scarce-before-covid-its-much-worse-now>

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Through its collaborative work with community partners, the OERJ has identified an opportunity to work with the Office of the Public Defender to further promote restorative justice within the region’s criminal legal system and address the racial and economic disparities that influence and result from legal system outcomes. Today’s actions request the Board to authorize a single source procurement with Partners for Justice (PFJ), for client advocate services and associated technical assistance to promote restorative justice and address the racial and economic disparities within and resulting from the criminal legal system. This procurement qualifies as a single source due to the unique knowledge, skills and abilities of PFJ. The Department of the Public Defender has not identified any other organization that works exclusively with public defenders and provides specialized training to non-attorney staff.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Director of the Department of Purchasing and Contracting to enter into negotiations with Partners for Justice and subject to successful negotiations and a determination of a fair and reasonable price, award a contract for client advocate services and associated technical assistance for up to two years and two option periods through 2027 and an additional six months if needed, and to amend the contracts as needed to reflect changes to requirements and funding.
2. Transfer appropriations of \$343,153 from OERJ, Services & Supplies, to Office of the Public Defender, Services & Supplies, to pay for Contractor for Client Advocate services and associated technical assistance from May 2023 through June 2024 based on prior year available General Fund balance.

EQUITY IMPACT STATEMENT

Today’s action aligns with the County’s Justice - safety initiative and seeks to reduce disparities and disproportionality across the criminal legal system by providing additional supportive resources to the Office of the Public Defender and to the clients that they represent. The addition of client advocates to address the non-legal challenges that clients face (i.e. poverty, unemployment, mental health needs, etc.) offers the opportunity to restore and heal individuals within the legal system, as well as to improve outcomes and promote justice. A snapshot of the multitude and diverse array of needs experienced by San Diegans that cycle through our local legal system is presented in a Final Report developed by the San Diego Association of Governments (SANDAG) Criminal Justice Research Division for the County’s Proposition 47 Grant Program – Cohort 1. Per the report, of the individuals that participated in the County’s program, 47% “were unemployed and looking for work”, 59% were experiencing homelessness at the time of program intake, 26% identified as living in an unstable housing situation at intake, 100% had a need for substance use disorder treatment, 72% reported having transportation

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needs, and 57% reported a need for mental health assistance, among many other types of needs.² On average, program participants presented with 6.5 needs, with 34% of all participants having 8 or more needs.³ The proposed Client Advocate services will support such individuals that cycle through the legal system and offer a more holistic approach toward justice and restoration.

If today’s recommendation is approved, it will be important to engage the community and stakeholders in the ongoing development and assessment of the success of this program. PFJ will provide regular reports to the Public Defender detailing progress toward the milestones and metrics outlined in the scope of work, and track service delivery with regular dashboards. PFJ will repeat trainings as needed and offer technical assistance to promote attorney engagement. Finally, PFJ will provide expertise and instruments to the PD enabling them to gather better information about clients’ needs and experiences with their office, and to track changes in attorney practice based on the implementation of collaborative work.

SUSTAINABILITY IMPACT STATEMENT

This program supports the County’s Sustainability Goal of providing just and equitable access to County services, is an investment in a chronically underserved community, and would assist in building the resilience of this vulnerable population. As indicated in the Equity Impact Statement, the population to be served through this program has a variety of unmet needs, which Client Advocates can holistically address.

FISCAL IMPACT

Funds for today’s recommendations are partially included in the Fiscal Year 2022-23 Operational Plan for the Office of Equity and Racial Justice (OERJ). If approved, this request will result in transfers of budgetary funds in the amount of \$343,153 from OERJ to Office of Public Defender for Contracted Services costs from May 2023 through June 2024. Year 2 funds for this request will be included in the Fiscal Year 2024-25 CAO Recommended Operational Plan for the Office of the Public Defender. If approved, this request will result in costs of up to \$341,164 for the Office of the Public Defender from July 2024 through June 2025. The funding source is prior year available General Fund balance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

² Burke, Jones, Keaton, Schroeder, and Telson. (2021). San Diego County Proposition 47 Grant Final Evaluation Report. pp. 39-41. <https://www.bscc.ca.gov/wp-content/uploads/San-Diego-Cohort-1-final-report.pdf>

³ Burke, Jones, Keaton, Schroeder, and Telson. (2021). San Diego County Proposition 47 Grant Final Evaluation Report. Pg. 40. <https://www.bscc.ca.gov/wp-content/uploads/San-Diego-Cohort-1-final-report.pdf>

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BACKGROUND

On January 12, 2021 (8) the San Diego County Board of Supervisors (Board) adopted a resolution declaring racism a public health crisis. Recognizing historic health, social, economic, and criminal justice disparities, the Board directed the Chief Administrative Officer to take bold actions that will begin to substantially transform the County of San Diego’s (County) values, policies, practices, and community engagement to be more inclusive, responsive, and anti-racist.

Over the past two years since the establishment of the Office of Equity and Racial Justice (OERJ) to lead these bold actions, we have worked with our community partners to identify opportunities for County departments to support, participate in and/or lead, to assist in eliminating barriers and gaps and create robust restorative justice activities. One such opportunity has presented itself through those engagement efforts.

Public defenders are assigned to people who are at the highest risk in the community. They also carry both a unique position of legally protected confidentiality and an exclusive ethical obligation to act on their clients’ expressed interests. Further, they are not an opt-in resource—their use does not depend on a person finding out about them or choosing to seek them out. This trust, access, and zeal give public defenders the power to create restorative, tailored solutions to keep people out of jail, prevent the enmeshed penalties of arrest, and provide access to supportive community resources to address the underlying issues that gave rise to legal system involvement.

Partners for Justice (PFJ) was founded to transform public defense locally and across the U.S in order to ensure that race and wealth no longer determine legal outcomes. This means ensuring public defenders have the knowledge, tools, and capacity to fulfill the most ambitious definition of their ethical and constitutional duty. Particularly, it means equipping public defenders to assist their clients with the underlying circumstances driving their involvement in the legal system⁴, secure better legal outcomes both inside and outside the courtroom, and ensure that more clients can walk away from the criminal legal system with their rights, life, and future protected.

PFJ increases defender capacity through several complementary programs, involving both training and direct capacity-building. Primarily, PFJ embeds trained non-attorney Client Advocates in the public defender’s office, emphasizing Advocates who share identities and lived experiences with the client communities they are serving. In the most recent placements, around 75% of candidates who accepted offers from PFJ for the position of Client Advocate identify as BIPOC and 33% identify as personally impacted by the criminal legal system.

PFJ’s partnership with Public Defenders increases access to services (with thousands of people

⁴ Underlying circumstances may include poverty, urban crowding, poor access to healthcare or low education. These are “associated with higher rates of trauma exposure, which in turn increases the risk of mental illness, substance use disorders and criminal and juvenile justice involvement.” Pinals, D., Fuller, D., Pinals, M. (2021). Social Determinants of Health and Mental Health. https://www.ncsc.org/__data/assets/pdf_file/0025/70864/Social-Determinants-of-Health.pdf

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having been served by PFJ's Advocates since just 2018), changes attorney practice (nearly three-quarters of partner attorneys indicating a shift toward holistic thinking since PFJ's arrival) and decreases the use of jail (with over 4,000 years in jail eliminated vs. maximum exposure since the organization's inception via a unique method of engaging support services to create stronger mitigation for judges and prosecutors to consider).

In San Diego, PFJ proposes leveraging those strengths to serve the needs of the moment: building off the momentum of a dedicated, landmark public defender agency to expand the current public defense office into a wraparound service hub. If approved, for two years, PFJ will embed a team of service specialists inside the San Diego County Public Defender Office, building on the existing momentum of an exemplar defense agency, and co-creating a flagship model of collaborative defense best practices.

Justification for Single Source Procurement

In accordance with Board Policy A-87 section 3-B, this Board request is to contract with Partners for Justice (PFJ) to embed three capacity-building Client Advocates within the Department of the Public Defender Juvenile Justice Division. This procurement qualifies as a single source due to the unique knowledge, skills and abilities of PFJ. Their three-pronged approach of embedding specialty-trained teams within public defender offices to meet housing, employment, educational, health and mental health needs for clients, building capacity for public defender offices through resources and collaboration, and creating and distributing resources to public defender offices in their network is unique and has garnered proven results. Since 2018, PFJ has expanded from just two cities to 20 locations as of July 2022, and has saved clients an estimated 1,460,000 days of incarceration, serving over 7,000 clients in that span. Several counties in California have partnerships with PFJ and the Los Angeles County Board of Supervisors has entered into a sole source agreement with them.

The proposed service contract is for a two-year term to recruit, train and embed three Client Advocates within the department for a total contract price of \$684,318. These advocates will provide training of staff on enmeshed penalties of criminal legal contract, designing intake questionnaires to be used at first contact with clients, creating internal referral structures for service provision, and identifying local community resources. Further, the clients will have increased access to essential services which will provide stronger mitigation for judges and prosecutors to consider. If approved, today's actions will authorize the Director of the Department of Purchasing and Contracting to enter into negotiations with Partners for Justice, subject to successful negotiations and a determination of a fair and reasonable price.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support the Equity (Health, Housing, Economic Opportunity), Empower (Innovation), Community (Quality of Life, Partnership), and Justice (Safety, Restorative) initiatives in the County of San Diego's 2023-2028 Strategic Plan by providing holistic services to contribute to a system of restorative justice that strives to repair harm to the community, to focus efforts to reduce disparities and disproportionality across the criminal legal

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system, implement best practices to achieve organizational excellence, enhance the community through increasing the well-being of our residents, reduce disparities and disproportionality and ensure access for all through a fully optimized program referral system, and dismantle barriers to expanding opportunities in traditionally underserved communities.

Respectfully submitted,



HELEN N. ROBBINS-MEYER
Chief Administrative Officer

ATTACHMENT(S)

N/A